

many instances recycling or other environmental programs are mandated by local governments as part of their disposal of MSW. In other instances, local governments choose, often based on public demand, to implement recycling and other environmentally responsible programs such as composting, source reduction, household hazardous waste collection, and public education to deal with municipal solid waste. Local governments use flow control ordinance to implement the long-term integrated solid waste plans required of them and to fulfill their responsibility to protect the public health and safety by providing adequate long-term disposal capacity. To change the rules now, would be patently unfair and wreak havoc on environmentally safe and publicly approved waste management plans across the country.

When a locality implements a fully-integrated solid waste management system that includes components such as recycling, composting, waste-to-energy facilities, landfills and public education, flow control allows the locality to fund these components through the collection of tipping fees at the municipal solid waste landfill and/or waste-to-energy facility which are parts of the system.

Often times large private haulers compete for only a portion—or the cheapest aspect—of the complete plan leaving it to the taxpayers to pay for the nondisposal costs of the system, such as the costs of recycling, composting, source reduction and public education program. Unlike local governments who are required to act in the public interest, private waste companies often overlook the long-term environmental benefits and focus on their prime interest: making money through the cheapest disposal means. Such profit motives create disincentives for the employ of recycling, resource conservation and recovery technologies, which are invariably more expensive, when you do not factor in their obvious long-term benefits to the community and the environment.

Mr. Speaker, there is a consensus that our local governments have the responsibility to provide for the safe and sanitary disposal of municipal solid waste over the long-term. Yet, Congress must ensure that local governments have the explicit authority to: first, pursue environmentally safe avenues of recycling, composting, and disposal as components of their integrated solid waste management plans and, second, to cost effectively finance such activities through guaranteeing adequate waste streams to their waste management facilities to ensure that they receive sufficient revenues to meet their bond obligations. One of the most equitable and progressive ways to accomplish these two objectives is to ensure that municipalities who have enacted flow control programs are permitted to carry them out.

In my own State of New Jersey we have required each of our 21 counties to develop their own waste flow and management plans so that our State will become self-sufficient in our management of garbage disposal and no longer export our trash. All around the country, in more than 25 States, State and local governments have taken the initiative and are developing environmentally responsible integrated systems for the management of waste. All of their efforts, as well as their financial and environmental health, are now at risk if Congress remains silent on the flow control issue. I therefore strongly urge my colleagues to support my legislation which restores flow control authority to those local governments that have planned for it. Those of us who are environmentally concerned about solid waste reduction and preserving our open spaces through increased recycling and other means must vigorously support enactment of this comprehensive measure.

Outline of the provisions of H.R. 4661:  
THE WASTE FLOW CONTROL ACT OF 1994 (H.R. 4661)

Grandfather for States and political subdivisions that have relied on flow control:

(A) Allows continued flow control for residential, commercial, incinerator ash, construction or demolition debris, industrial, institutional waste, if adopted before May 15, 1994 (date of *Carbone* decision);

(B) Protects source separation and recycling programs, if adopted before May 15, 1994;

(C) Protects all ordinances, laws, contracts, administrative/legislative provisions, including solid waste management plans, adopted before May 15, 1994; and

(D) Protects all existing and planned facilities.

Clearly states that waste flow control is a reasonable regulation of commerce, retroactive to the effective date of the contract or agreement or date of adoption of any law, ordinance, regulation, legislative/administrative provision.

Congressional grant of authority to States for prospective waste flow control:

(A) Gives States and qualified political subdivisions permission to flow control residential waste, including:

- (1) from a single or multifamily residence;
- (2) from an apartment or condominium; or
- (3) from a hotel or motel.

(B) Gives States and qualified political subdivisions authority to control destination of recyclables, if:

(1) the materials are relinquished voluntarily; or

(2) the State or qualified political subdivision assumes responsibility for the materials.

(C) Allows the designation of waste management facilities.

Contingencies for prospective waste flow control:

(A) State or political subdivision must establish a source separation program for recycling, reclamation, and reuse.

(B) Designation process for waste management facilities must include 1 or more public hearings and a written explanation.

Competitive bidding process for prospective waste flow control:

(A) Designation process must be a part of a long-term municipal solid waste management strategy.

(B) Goals of the designation process must at least include:

(1) capacity assurance;

(2) provisions to protect human health and environment; and

(3) additional goals determined to be relevant to State or qualified political subdivision.

(C) Identifies/compares reasonable and available alternatives.

(D) Provides for public participation and comment.

(E) Provides for an open competitive process for designation, including:

(1) in writing, criteria to be utilized in selection;

(2) opportunity for private and public persons to offer their existing or proposed facilities; and

(3) use of the merits of the facilities in selection.

Protects State procurement laws and Federal and State environmental standards relating to the disposal or management of solid waste or recyclables.

## RECESS

The SPEAKER pro tempore (Mr. KANJORSKI). Pursuant to clause 12, rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 57 minutes p.m.) the House stood in recess subject to the call of the Chair.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 263. Concurrent resolution providing for an adjournment or recess of the two Houses.

□ 1659

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. KANJORSKI] at 4 o'clock and 59 minutes p.m.

## WAIVER OF BUDGET RULES FOR FREE-TRADE AGREEMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, Treasury Secretary Lloyd Bentsen rightly refers to the impending results of the Uruguay round of GATT as a "huge global tax cut" amounting to nearly \$750 billion over the next decade. Second, Trade Representative Mickey Kantor says it is the most substantial elimination of trade barriers in the history of GATT.

Mr. Speaker, this Member could not agree more. The Uruguay round trade agreement of GATT would accomplish both of these remarkable achievements.

Unfortunately Mr. Speaker, the Clinton administration seems determined to jeopardize these two achievements by refusing to waive strict budget rules

which cripple our ability to implement the recently negotiated GATT agreement.

These budget rules require either more taxes or spending cuts to offset the estimated \$11.5 billion in Federal Government revenue that is cut by the GATT agreement's proposed reductions in tariffs over 5 years. The Federal Government collects these tariffs on a variety of goods imported to the United States. U.S. consumers ultimately pay these tariffs in the price of the imported goods.

Mr. Speaker, economists almost unanimously agree that a direct waiver of the budget rules could be justified so that additional taxes or spending cuts are not required to make up the loss of Federal revenue from tariff reductions under GATT. These economists correctly argue that increased trade and economic activity resulting from GATT would immediately stimulate more corporate and individual Federal tax revenues. These increased Federal tax revenues would clearly exceed the Federal revenues lost from tariff reductions.

Mr. Speaker, the Clinton administration is jeopardizing these two remarkable achievements by proposing to raise taxes on a variety of industries which have little nexus to the trade agreement. For example, the administration has proposed imposing taxes on broadcasters for their use of the electromagnetic spectrum. Clearly, these broadcasters have little to gain from increased trade among member nations of GATT. Therefore, forcing them to pay for GATT really makes no sense—it is just a search for revenue.

Additionally Mr. Speaker, Mr. Leon Panetta has recently jeopardized agricultural support for the Uruguay round trade agreement by saying agriculture would only have to sacrifice approximately \$1.7 billion of the agricultural budget to help pay for the cost of implementing the GATT accord.

Mr. Speaker, during the Uruguay round of the GATT talks the United States negotiated with other grain subsidizing nations and agreed to reduce its agricultural export subsidies by approximately \$1.7 billion—the amount Mr. Panetta says agriculture owes; but, the United States agricultural industry did not agree during the negotiations to permit these funds to disappear from the agricultural budget. Unfortunately, the administration has wrongly linked these two different items out of misplaced convenience and is thereby using the GATT implementing legislation to do an "end run" around the House Agriculture and Appropriations Committees.

Fortunately Mr. Speaker, at least 21 Members of Congress led by Representative TOM EWING have the courage to advocate a straightforward budget waiver for the GATT agreement and do what makes sense. Representative EWING's legislation, H.R. 4198, would permit us to avoid our current and future predicaments by waiving budget

rules for the implementation of all free-trade agreements. Certainly it is appropriate at least for the revenue-positive GATT agreement from the Uruguay round.

Mr. Speaker, the Journal of Commerce and the Wall Street Journal agree; a waiver of the budget rules is absolutely justified because increased Federal revenues from increased corporate and individual income tax proceeds springing from greater trade generated by GATT will greatly exceed the Federal revenues lost by tariff reductions. Therefore, this Member urges his colleagues to cosponsor the Ewing legislation to waive budget rules for free-trade agreements and support U.S. trade.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. STEARNS, for 5 minutes, today.

(The following Member was granted permission to revise and extend his remarks and include extraneous material:)

Mr. SMITH of New Jersey, for 5 minutes, today.

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. LEVIN, for 5 minutes, today.

Mr. STUDDS, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. SCHROEDER, for 5 minutes, today.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BEREUTER, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SMITH of New Jersey and to include extraneous matter notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost \$1,020.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2155. An act to authorize the appropriation of funds for the Federal share of the

cost of the construction of a Forest Ecosystem Research Laboratory at Oregon State University in Corvallis, Oregon, and for other purposes; to the Committee on Agriculture.

#### ADJOURNMENT

Mr. BEREUTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 263 of the 103d Congress, the House stands adjourned until 10:30 a.m., Tuesday, July 12, 1994.

Thereupon (at 5 o'clock and 4 minutes p.m.) pursuant to House Concurrent Resolution 263, the House adjourned until Tuesday, July 12, 1994, at 10:30 a.m.

#### EXECUTIVE COMMUNICATIONS, ECT.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3454. A letter from the Assistant Secretary of the Army—Installations, Logistics, and Financial Management—Department of Defense, transmitting notification of emergency munitions disposal, pursuant to 50 U.S.C. 1518; to the Committee on Armed Services.

3455. A letter from the Secretary of Defense, transmitting certification that each military service has developed and implemented a plan to adjust its officer personnel assignment and promotion policies; to the Committee on Armed Services.

3456. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 07-94, concerning a cooperative research and development project to be executed by the Department of Defense Advanced Research Projects Agency and the United Kingdom Ministry of Defense Directorate for Future Systems, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

3457. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for the production of major defense equipment marketed to Taiwan (Transmittal No. DTC-18-94), pursuant to 22 U.S.C. 2776(c) and (d); to the Committee on Foreign Affairs.

3458. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Mexico (Transmittal No. DTC-19-94), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3459. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Brunei (Transmittal No. DTC-17-94), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3460. A letter from the President, Resolution Funding Corporation, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1993, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

3461. A letter from the Assistant Secretary for Indian Affairs, Department of the Inte-